

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 257

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

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10 AN ACT

11 RELATING TO HEALTH INSURERS; REQUIRING INSURERS TO PROVIDE
12 CLAIMS EXPERIENCE INFORMATION TO EMPLOYERS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Section 59A-23-3.1 NMSA 1978 (being Laws 1985,
16 Chapter 167, Section 1, as amended) is amended to read:

17 "59A-23-3.1. GROUP INSURANCE REPORTS REQUIRED.--

18 A. At least quarterly, upon request by the
19 employer, each insurer who has delivered or issued for delivery
20 a policy of group insurance covering twenty-six or more
21 employees, all or a portion of the premiums for which is paid
22 by the employer of the insureds, shall submit to the employer a
23 financial summary report by coverage of expenses incurred by or
24 on behalf of the employees of that employer since the last
25 report. The report shall include the number and amount of

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1 monthly paid claims, monthly covered lives and an accounting of
2 reserves and retention costs [~~together with such other~~
3 ~~information as the superintendent may require by regulation~~].

4 B. Upon request by the employer, each insurer shall
5 provide to the employer claims information that provides
6 sufficient detail to enable the employer to obtain and compare
7 group health insurance rates from multiple insurers or
8 establish a plan of self-insurance.

9 C. The report and claims information required by
10 this section shall be provided with sufficient time to enable
11 the employer to obtain and compare group health insurance rates
12 from other insurers.

13 D. The superintendent shall promulgate rules to
14 carry out the provisions of this section."

15 Section 2. Section 59A-46-26.1 NMSA 1978 (being Laws
16 2003, Chapter 252, Section 4) is amended to read:

17 "59A-46-26.1. EMPLOYER UTILIZATION AND LOSS [~~DATA~~]
18 EXPERIENCE AVAILABILITY.--Employer claims information,
19 including utilization and loss experience under health
20 insurance provided under Chapter 59A, Article 46 NMSA 1978
21 shall be made available by the carrier only upon the written
22 request of and to employers of enrollees with such coverage
23 [~~within sixty days of an employer's written request for such~~
24 ~~information to the carrier~~], provided the employer's coverage
25 extends to no less than twenty-five individual enrollees,

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underscored material = new
[bracketed material] = delete

1 regardless of whether family coverage is included. [~~In~~
 2 ~~providing such utilization data, carriers shall not reveal~~
 3 ~~information that permits identification of an individual~~
 4 ~~enrollee or the enrollee's family or the specific conditions~~
 5 ~~for which coverage was provided.] Each carrier shall provide to
 6 the employer claims information that provides sufficient detail
 7 to enable the employer to obtain and compare rates from
 8 multiple carriers or establish a plan of self-insurance. The
 9 report and claims information required by this section shall be
 10 provided with sufficient time to enable the employer to obtain
 11 and compare rates from other carriers. The superintendent
 12 shall promulgate rules to carry out the provisions of this
 13 section."~~

14 Section 3. Section 59A-47-39 NMSA 1978 (being Laws 2003,
 15 Chapter 252, Section 5) is amended to read:

16 "59A-47-39. EMPLOYER UTILIZATION AND LOSS [~~DATA~~]
 17 EXPERIENCE AVAILABILITY.--Employer claims information,
 18 including utilization and loss experience under health
 19 insurance provided under Chapter 59A, Article 47 NMSA 1978
 20 shall be made available by the carrier only upon the written
 21 request of and to employers of subscribers with such coverage
 22 [~~within sixty days of an employer's written request to the~~
 23 ~~carrier for such information~~], provided the employer's coverage
 24 extends to no less than twenty-five individual subscribers,
 25 regardless of whether family coverage is included. [~~In~~

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1 ~~providing such utilization data, carriers shall not reveal~~
2 ~~information that permits identification of an individual~~
3 ~~subscriber or the subscriber's family or the specific~~
4 ~~conditions for which coverage was provided.] Each carrier shall~~
5 ~~provide to the employer claims information that provides~~
6 ~~sufficient detail to enable the employer to obtain and compare~~
7 ~~rates from multiple carriers or establish a plan of self-~~
8 ~~insurance. The report and claims information required by this~~
9 ~~section shall be provided with sufficient time to enable the~~
10 ~~employer to obtain and compare rates from other carriers. The~~
11 ~~superintendent shall promulgate rules to carry out the~~
12 ~~provisions of this section."~~

underscoring material = new
[bracketed material] = delete